

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JASMIN YVETTE HILLIARD,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

YOLANDA DANETTA HILLIARD, a/k/a
YOLANDA D. HILLIARD, a/k/a YOLANDA
HILLIARD,

Respondent-Appellant,

and

FREDDY FOX,

Respondent.

UNPUBLISHED

February 1, 2007

No. 270452

Wayne Circuit Court

Family Division

LC No. 92-299945-NA

Before: Borrello, P.J., and Jansen and Cooper, JJ.

PER CURIAM.

Respondent Yolanda Hilliard appeals from the trial court's order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j). For the reasons set forth in this opinion, we affirm.

Respondent claims that the trial court clearly erred in determining that one or more statutory grounds for termination were established by clear and convincing evidence. In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993). "Once a ground for termination is established, the court must issue an order terminating parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests." *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). We review the trial court's determination for clear error. *Id.* at 356-357.

We find no clear error in the trial court's determination that statutory grounds for termination under subsections (c)(i), (g), and (j) were established by clear and convincing

evidence. *Trejo, supra* at 356-357. The trial court assumed jurisdiction over the child after finding that respondent's home was filthy, roach infested and without plumbing, that she had a longstanding history of substance and alcohol abuse, and that she had an extensive Protective Services history. Over 21 months after the court entered its dispositional order, respondent still had not obtained or maintained housing or employment to support her child and had not fully addressed her substance abuse issue, despite services to assist her. Although she was able to obtain employment on two occasions during the proceedings, she was able to maintain those positions for only a very short time. Notably, at the time of the termination trial, she was unemployed and residing in a friend's home, where she had been residing for the previous eight months. Regarding her substance abuse, the evidence clearly revealed that she continued to use alcohol and only periodically complied with her treatment plan during the proceedings. As late as two days before the termination trial, she allegedly appeared at her older child's foster home while intoxicated.

Obtaining suitable and independent housing, maintaining a legal source of income, and complying with services to address her substance abuse issues were among the requirements of the court-ordered treatment plan, yet respondent was unable to achieve them, despite having almost two years since the court entered its dispositional order to do so. Her failure to comply with those requirements was indicative of continued neglect, *Trejo, supra* at 361 n 16, and clearly showed that she had not yet rectified the conditions that led to the adjudication and remained unable to provide proper care and custody for the child. MCL 712A.19b(3)(c)(i) and (g). Respondent's inability to improve her situation and gain stability over a significant period, despite receiving extensive services, clearly showed that there was no reasonable likelihood that she would be able to do so within a reasonable time. MCL 712A.19b(3)(c)(i) and (g). Her failure to fully and consistently comply with the terms of her treatment plan and to cooperate with her caseworkers during the proceedings further indicates that she would likely not make a meaningful effort toward reunification if given additional time to do so. Additionally, respondent's repeated aggressive conduct toward her caseworkers, especially while in the child's presence, showed a propensity for violence, and provided further evidence that the child would be at a risk of harm if returned to her care. MCL 712A.19b(3)(j). On this record, we cannot say that the trial court clearly erred in finding that termination of respondent's parental rights was warranted under subsections (c)(i), (g), and (j). *Trejo, supra* at 356-357.

We disagree with respondent's argument that the caseworker undermined her efforts to rectify her issues by recommending termination of her parental rights and failing to cooperate with her throughout the proceedings. It is apparent from the record that the caseworker and respondent did not have a good working relationship and had difficulty communicating. Regardless, the fact remains that over two years had elapsed and she still had not obtained suitable and independent housing and employment to support her child, despite assistance from the TOPS program, her CASA worker, and her caseworker. Furthermore, the record does not support respondent's assertion that the caseworker's repeated recommendations for termination of her parental rights negatively influenced the court. Although the caseworker consistently recommended termination at the review hearings, after *two* permanency planning hearings, the court declined to order that a termination petition be filed and allowed respondent additional time to comply with her treatment plan. Accordingly, respondent's argument is without merit.

After considering the record in its entirety, we likewise find no clear error in the trial court's determination that termination was in the child's best interests.¹ MCL 712A.19b(5); *Trejo, supra* at 356-357. We recognize that the child was older (11 years old) and clearly was bonded with respondent, loved her, and desired to be returned to her care. However, respondent clearly could not provide the child with physical stability or permanency and would likely not be able to do so in the future, considering her failure to resolve her housing, employment, substance abuse, and anger management issues in over more than two years since the child came into care. Under these circumstances, we cannot say that the trial court clearly erred in refusing to delay the child's permanency any longer and terminating respondent's parental rights. *Trejo, supra* at 356-357.

Affirmed.

/s/ Stephen L. Borrello

/s/ Kathleen Jansen

/s/ Jessica R. Cooper

¹ The trial court went beyond the best interest inquiry under MCL 712A.19b(5) by finding that termination of respondent's parental rights was in the child's best interests. *Trejo, supra* at 364 n 19.